

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

ANDREA DE LEON

*Plaintiff,*

v.

JPF TRUCKING, INC. AND  
ADKHAMJON KHASANOV

*Defendants.*

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CIVIL ACTION NO. 1:21-cv-923  
**JURY TRIAL REQUESTED**

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**DEFENDANTS JPF TRUCKING, INC. AND ADKHAMJON KHASANOV'S  
NOTICE OF REMOVAL**

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Pursuant to 28 U.S.C. §§ 1332(a), 1441, and 1446, Defendants JPF Trucking Inc. and Adkhamjon Khasanov, hereby give notice of the removal of this cause of action to the United States District Court for the Western District of Texas, Austin Division. Defendants JPF Trucking Inc. and Adkhamjon Khasanov states as grounds for removal the following:

**PROCEDURAL STATUS OF THE CASE**

1. Plaintiff Andrea De Leon filed this action in the 345<sup>th</sup> Judicial District Court of Travis County, Texas on August 31, 2021. It carries the case style of Cause No. D-1-GN-21-004586; *Andrea De Leon v. JFP Trucking, Inc. and Adkhamjon Khasanov*; In the 345<sup>th</sup> Judicial District Court of Travis County, Texas.

2. JFP Trucking Inc.'s registered agent was served with civil process on September 14, 2021.<sup>1</sup>

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<sup>1</sup> See Ex. D.

3. The Chairman of the Texas Transportation Commission was served with civil process on September 10, 2021.<sup>2</sup> The Texas Transportation Commission issued citation to the last known address of nonresident motorist Adkhamjon Khasanov. The Texas Transportation Commission, as of the date of this filing, has not received a return receipt bearing signature. Upon information and belief, Defendant Adkhamjon Khasanov himself has not been served with civil process. Defendant Adkhamjon Khasanov thus has not received “actual notice” of the lawsuit.<sup>3</sup> Nevertheless, the undersigned hereby accepts service on Defendant Adkhamjon Khasanov’s behalf, and Defendant Adkhamjon Khasanov consents to removal.

4. The Defendants are filing this Notice of Removal within 30 days of JPF Trucking Inc.’s receipt of Plaintiff’s Original Petition and prior to filing an Original Answer in state court.

5. All pleadings, process, orders, and other filings in the state court action accompany this notice. *See* 28 U.S.C. § 1446(a).

6. This Notice of Removal is being filed in the record office of the Clerk of the United States District Court for the Western District of Texas, Austin Division.

7. Defendant will promptly file a copy of this Notice of Removal with the Travis County District Clerk.

### **BACKGROUND**

8. This case arises out of a motor vehicle accident that occurred in Austin, Travis County, Texas on October 15, 2019. Plaintiff Andrea De Leon claims she suffered personal injuries as a result of the alleged negligence of Defendant Adkhamjon Khasanov and Defendant JFP Trucking, Inc.

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<sup>2</sup> *See* Ex. E.

<sup>3</sup> *See Barrackman v. Banister*, No. 06-CV-3622, 2007 WL 189378, (S.D. Tex. Jan. 22, 2007) (“... when a statutory agent is served with the summons and complaint, the named defendant’s time to remove the action is not triggered until that defendant actually received the pleading.”)

9. Plaintiff Andrea De Leon currently resides in Austin County, Texas and is a citizen of the State of Texas.

10. Defendant Adkhamjon Khasanov is a resident and citizen of the State of Pennsylvania.

11. Defendant JFP Trucking, Inc. is a foreign corporation incorporated in and with its principal place of business located in the State of Pennsylvania.

**BASIS FOR ORIGINAL FEDERAL COURT JURISDICTION**

12. Plaintiff Andrea De Leon demands judgment over \$250,000.00 but not more than \$1,000,000<sup>4</sup>, and the Plaintiff and the Defendants are citizens of different States. The district courts therefore have original jurisdiction of this matter according to 28 U.S.C. § 1332(a).

**PROPRIETY OF REMOVAL**

13. This Notice of Removal is timely because it is filed within thirty (30) days of Defendant JFP Trucking, Inc.'s receipt of the Plaintiff's Original Petition, in accordance with 28 U.S.C. § 1446(b).

14. This court has original jurisdiction of this matter under 28 U.S.C. § 1332(a).

15. Except as otherwise expressly provided by an Act of Congress, any civil action brought in a state court of which the district courts of the United States have original jurisdiction may be removed to the district court of the United States for the district and division embracing the venue where the state court action was pending. *See* 28 U.S.C § 1446(a). The state court action that is the subject of this notice of removal is pending in Travis County, Texas, which is found in the Western District of Texas, Austin Division. Therefore, venue of this removed action is proper in this Court and Division.

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<sup>4</sup> See Ex. C (Plaintiff's Original Petition).

16. Removal is not barred by 28 U.S.C. § 1445. Defendants are not citizens of the State of Texas, so removal is not prohibited by 28 U.S.C. § 1441(b). Defendant Adkhamjon Khasanov is a citizen of the State of Pennsylvania. Defendant JFP Trucking, Inc. is a corporation incorporated in and with its principal place of business located in the State of Pennsylvania.

17. Pursuant to 28 U.S.C. § 1446(a) and Rule 81 of the Federal Rules of Civil Procedure, Defendants JFP Trucking, Inc. and Adkhamjon Khasanov has attached hereto:

- (1) A list of all parties in the case, their party type, and the current status of the removed case;
- (2) A civil cover sheet and certified copy of the state court docket sheet; a copy of all pleadings that assert causes of action; all answers to such pleadings and a copy of all process and orders served upon the party removing the case to this court (if any);
- (3) A complete list of attorneys involved in the action being removed, including each attorney's bar number, address, telephone number, and part or parties represented by him or her;
- (4) A record of which parties have requested trial by jury; and
- (5) The name and address of the Court from which the case is being removed.

**REQUEST FOR HEARING AND JURISDICTIONAL DISCOVERY**

18. If Plaintiff Andrea De Leon contests this removal, Defendants request:
- a. A hearing regarding this Court's jurisdiction over, and the propriety of removal of, this matter;
  - b. The opportunity to present evidence demonstrating the existence of federal jurisdiction and the propriety of removal; and
  - c. Leave to conduct limited discovery related to those issues.

**JURY DEMAND**

19. Defendants demand a jury trial.

WHEREFORE, PREMISES CONSIDERED, Defendant JFP Trucking, Inc, and Adkhamjon Khasanov remove the above captioned action from the 345<sup>th</sup> District Court of Travis

County Texas to the United States District Court for the Western District of Texas, Austin Division.

Respectfully submitted,

**THE FUENTES FIRM, P.C.**

/s/ Stefan Casso

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**ATTORNEY FOR DEFENDANTS**

**JFP TRUCKING, INC. AND**

**ADKHAMJON KHASANOV**

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per W. Dist. Tex. Loc. R. LR5.1. A true and correct copy of the foregoing Defendant's Notice of Removal was served upon counsel of record in compliance with the Federal Rules of Civil Procedure by certified mail, return receipt requested, telephonic communications, hand delivery and/or U.S. Mail on this 13<sup>th</sup> day of October, 2021.

/s/ Stefan Casso

STEFAN CASSO